

1 **RESOLUTION NO. PZB 2017 - 03**
2 **ADMINISTRATIVE ADMENDMENT ADD2017-E001**

3
4 **ADMINISTRATIVE APPROVAL**
5 **VILLAGE OF ESTERO, FLORIDA**
6

7 **WHEREAS**, BW 41 Bulb, LLC (“applicant”) filed an application for an
8 administrative variance:
9

- 10 • An administrative variance from Section 34-268 (a) (1) (d) of the Land
11 Development Code (LDC) to legitimize minor errors (setback encroachment)
12 during construction.
13

14 **WHEREAS**, the property is located at 22903, 22905, 22907 and 22909 Lyden
15 Drive and described more particularly as: Strap Number: 09-47-25-E3-3500A.00C0; and
16

17 **LEGAL DESCRIPTION:** A tract or parcel of land lying in Section 04 and 09,
18 Township 47 South, Range 25 East Lee County, Florida:
19

20 ATTACHED AS EXHIBIT “A”
21

22 **WHEREAS**, the property was originally rezoned with the adoption of Resolution
23 Number Z-00-010; and
24

25 **WHEREAS**, the subject property is zoned Commercial Planned Development
26 (CPD) and is located in the Suburban Future Land Use Category of the Village of Estero
27 Comprehensive Plan; and
28

29 **WHEREAS**, The Land Development Code (LDC) provides for an administrative
30 variance to legitimize minor errors during construction; and
31

32 **WHEREAS**, BW 41 Bulb, LLC, the owner of the subject parcel, has authorized
33 Bohler Engineering, to act as agent to pursue this application; and
34

35 **WHEREAS**, under the provisions of Ordinance 2015-01 of the Village of Estero,
36 the Planning and Zoning Board has been delegated the authority to make determinations
37 with respect to all applications for administrative actions; and
38

39 **WHEREAS**, the applicant is requesting an administrative variance from Section
40 34-268 (a) (1) (d) of the LDC; and
41

42 **WHEREAS**, the following findings of fact are offered:
43

- 44 1. During construction an error in the layout of buildings resulted in a
45 minor encroachment into the side yard and street setbacks. The

46 addition of the stucco to the building walls resulted in the
47 encroachment of the setbacks.

- 48 2. The variance request is specific to dimensions noted on the as-built
49 survey for the constructed structure and it is the minimum required.
50 3. The granting of the variance will not affect any adjacent properties or
51 the public.
52

53 **NOW, THEREFORE, IT IS HEREBY DETERMINED** that the application for
54 administrative variance is approved for setback reductions for two buildings, from 25 feet
55 to 24.90 feet along US 41 and from 15 feet to 14.93 feet along the northern section of the
56 building, subject to the following conditions:
57

- 58 1. The terms and conditions of the original Zoning Resolution (Z-00-010) remain in
59 full force, except as modified herein.
60
61 2. The administrative variance to correct errors (encroachment of setbacks) during
62 construction is approved, provided the site layout is in substantial compliance
63 with the attached As-Built Survey Sheet 1 of 1 with a revision date of August 19,
64 2016.
65
66 3. If it is determined that inaccurate or misleading information was provided to staff
67 or the Planning and Zoning Board or if this decision does not comply with the
68 LDC when rendered, then at any time the Planning and Zoning Board may issue a
69 modified decision that complies with the Code or revoke the decision. If the
70 approval is revoked, the applicant may acquire the necessary approvals by filing
71 an application for public hearing in accordance with Chapter 34.
72

73 **PASSED AND DULY ADOPTED** this 21st day of February, 2017.
74

75 **VILLAGE OF ESTERO, FLORIDA**
76 **PLANNING AND ZONING BOARD**
77

78 
79 _____
80 Scotty Wood, Chairman

81 Attest:
82
83

84
85 By: 
86 Kathy Hall, MMC, Village Clerk
87
88
89
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91
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93 Reviewed for legal sufficiency

94

95

96

By: Nancy Stroud
Nancy Stroud, Esq.

97

98

99

100 **Vote:**

101 Scotty Wood Yes ☒ No ☐

102 William Campos Yes ☒ No ☐

103 David Crawford Yes ☒ No ☐

104 Ned Dewhirst Yes ☒ No ☐

105 Anthony Gargano Yes ☒ No ☐

106 Marlene Naratil Yes ☒ No ☐

107 James Tatooles Yes ☒ No ☐

108

109

110 Exhibits:

111 A - Legal Description

112 B - As-Built Survey

EXHIBIT A

Legal Description

TRACT D, "AUTUMN LEAVES OF ESTERO", ACCORDING TO THE PLAT THEREOF RECORDED AS OFFICIAL RECORDS INSTRUMENT NO. 2015000191569, A SUBDIVISION IN SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, VILLAGE OF ESTERO, LEE COUNTY, FLORIDA

EXHIBIT B

